

REMARKS

The foregoing amendment restricts the maximum amount of component (b) to 1.0% of the emulsion composition and restricts the amount of component (d) to a maximum of 10% by weight of component (b). Additionally, group (IV) of component (d) has been deleted from the claims. Support for the limitation in component (b) is in Paragraph 0044 of Applicants' published Application No. US2003/0096878 A1. Support for limiting the amount of component (d) is in Paragraph 0055.

Objection to the Specification

The Examiner is continuing to object to the specification because of the presence of trademarks. All of the trademarks have been consistently capitalized throughout the specification. As previously pointed out, the generic names and functions of the various ingredients that are identified by trademark or generic name, are set forth in Paragraphs 0060-0063 and 0148 of the published application. Enclosed is a copy of the cover page and pages 3 and 9 of published Application No. US2003/0096878 A1.

Rejections under 35 USC § 112

In paragraph 3 of the office action, all of the claims have been rejected under the second paragraph of 35 USC § 112. The basis for this rejection is the Examiner's impression that the components recited in Applicants' claims – presumably components (b) and (d) – overlap. Component (b) is a non-ionic surfactant; in the foregoing amendment, the limitations of Claim 29 have been incorporated into Claims 17, 20 and 24, thereby limiting the claims in this application to specific classes of non-ionic surfactants. Additionally, the definition of component (d) has been amended so as to exclude the group (IV) compounds, some of which might possibly have had surfactant characteristics. It is believed that this amendment obviates the rejection under 35 US § 112.

Rejections over the Prior Art

Claims 17-19, 25-30 and 32-36 have been rejected as either anticipated by or obvious over Bassam U.S. Patent No. 5,849,264. Claims 17-19, 25-30 and 32-35 have been rejected as anticipated by or obvious over Stopper U.S. Patent No. 4,536,323. All of the claims have been further rejected as obvious over Fox WO99/21659 in view of either Stopper or Bassam. These rejections are essentially identical to the rejections made in the office action of 25 January 2005. Applicants argued against these rejections – in an amendment filed on 27 June 2005 – and, in paragraphs 12-16 of the September 2005 office action, the Examiner has responded to certain of Applicants' arguments.

With respect to the Bassam reference, the Examiner has not addressed one of the main features of Applicants' claims, namely, the ratio of component (d) to component (b). The claims have now been amended to specify that the maximum amount of the non-ionic surfactant (b) is 1.0% and that the maximum ratio of component (d) to component (b) is 10%. The Bassam reference discloses certain substances qualifying as Applicants' component (b) and certain substances qualifying as Applicants' component (d) however these substances (along with many others) are lumped together as solvents. Applicants' claims are directed to methods for enhancing the unipolar charge imparted to droplets of an emulsion when said emulsion is discharged from an aerosol spray device. The key to enhancing the unipolar charge is the choice of component (b), the choice of component (d) and, very importantly, the ratio of (d) to (b). The Bassam reference does not recognize any particular properties as possibly resulting from a combination of "solvents" falling within the parameters of Applicants' component (b) and Applicants' component (d). Thus, Applicants' claims are clearly not anticipated by Bassam. Since there is no combination of components (b) and (d) specifically disclosed, there is no indication of any ratio between the amounts of these components; therefore, Applicants' claims would not have been obvious over Bassam.

With respect to the Stopper reference, Applicants again respectfully point out that Stopper is concerned with ways to reduce flammability of aerosol compositions that contain flammable propellants. Stopper is not concerned with imparting unipolar charges to the sprayed out contents of the disclosed oil-in-water emulsions. The claims rejected over Stopper relate to methods for enhancing unipolar charge and thus Stopper cannot possibly function as an anticipatory reference. With respect to obviousness, Applicants point out that, as now amended, the claims no longer include groups (I) and (IV) for component (d). Thus, the portions of the Stopper reference beginning at column 5, line 48 and in column 6, line 49, are no longer pertinent.

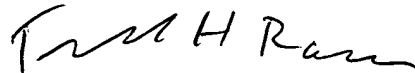
With respect to the rejection over the Fox reference in view of Bassam or Stopper, the Examiner did not respond specifically to the arguments presented in the June 2005 amendment. For reasons previously expressed, it is believed that this rejection is not tenable and should be withdrawn.

CONCLUSION

In view of the foregoing amendment and these remarks, it is believed that all claims remaining in this application are in condition for allowance. Favorable action is therefore requested.

Respectfully submitted,

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